

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE:)	CHAPTER 13
)	CASE NO. 05-12871
DAVID PERCY GIBSON)	JUDGE ARTHUR I. HARRIS
ROBYN KENDALYNN GIBSON)	
Debtors)	<u>OBJECTION TO COURT CLAIM</u>
)	<u>NO.'S 12, 13 AND 17 OF GREATER</u>
)	<u>CLEVELAND FIREFIGHTERS</u>
)	<u>CREDIT UNION</u>
)	

Debtors object to further payment of Court Claim No.'s 12, 13 and 17 filed by Greater Cleveland Firefighters Credit Union on the following grounds:

1. Greater Cleveland Firefighters Credit Union (hereinafter referred to as "the Credit Union") filed three separate claims in this case.

2. Claim No. 12 was filed as a general unsecured claim in the amount of \$6,188.04. According to the most recent information obtained from the Chapter 13 Trustee's website \$4,050.24 has been paid on this claim leaving a balance due at this time of \$2,137.80.

3. Claim No. 13 was filed as a secured claim in the amount of \$3,800.00 and unsecured in the amount of \$9.92. This claim was secured by liens on the titles to a 2004 Yamaha dirt bike and a 2004 Suzuki dirt bike. According to the most recent information obtained from the Chapter 13 Trustee's website this claim was paid in full in the amount of \$3,809.92 leaving a balance due of \$00.00 at this time.

4. Claim No. 17 was filed as an administrative claim in the amount of \$607.00 as force placed insurance on the 2004 Yamaha dirt bike that was the subject of Claim No. 13. According to the most recent information obtained from the Chapter 13 Trustee's website \$397.30 has been paid on this claim leaving a balance due of \$209.70.

5. At this time the total balance due the Credit Union from the Chapter 13 Trustee on all three claims appears to be \$2,347.50.

6. During the Chapter 13 case both the Yamaha and Suzuki dirt bikes that were the subject of the Credit Union's Claim No. 13 were stolen. The debtors have obtained information indicating that an insurance claim was filed by the Credit Union as the lien holder with Great American for the loss of the dirt bikes. See copies of the Great American ACV Worksheets which are attached hereto. It appears that the Credit Union settled this insurance claim and received \$2,860.00 for the loss of the Yamaha and Suzuki dirt bikes.

7. The Credit Union did not file an amended claim and it appears that the Credit Union did not otherwise notify the Chapter 13 Trustee that it received the \$2,860.00 insurance payment for the loss of the Yamaha and Suzuki dirt bikes.

WHEREFORE, Debtor prays that further payment of the remaining balances due Court Claim No.'s 12, 13 and 17 filed by Greater Cleveland Firefighters Credit Union be barred and disallowed.

/s/ Michael S. Linn
Michael S. Linn (#0023563)
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SERVICE

On May 12, 2010 a copy of the foregoing Objection was served on the following parties either by regular U.S. mail or electronically via the Bankruptcy Court's ECF System.

Craig Shopneck
Chapter 13 Trustee
(ECF System)

Greater Cleveland Firefighters Credit Union
Attn: Matt Teehan
2300 St. Clair Ave.
Cleveland OH 44114

David & Robyn Gibson
4443 Archer Rd.
Cleveland OH 44105

/s/ Michael S. Linn
Michael S. Linn, Esq.
Attorney for Debtor(s)

**Standard Settlement Worksheet
Settlement Options**

Lender Name: Greater Cleveland Fire Fighters CU
Lender #: 6918001
Borrower Name: DAVID P GIBSON
Collateral: 2004 SUZUKI * *4/11/11*
VIN: JKSLXEB1740A08638
Loan #: 1089578-52
Coverages: All Risk Physical Damage

Date Prepared: 10/18/06
Claim #: 448-779082
Certificate #: LSC0002289
Master Policy: 5178268
Carrier: Great American
Date of Loss: 08/09/06
Perils: THEFT

1. ACTUAL CASH VALUE (Option 1)	
Actual Cash Value as of Date of Loss	\$ 2,860.00
Total (Option 1)	\$ 2,860.00
3. LIMIT OF LIABILITY (Option 3)	
Policy Limit	\$ 8,059.28
Total (Option 3)	\$ 8,059.28
4. IMPAIRMENT OF INTEREST (Option 4)	
Gross unpaid balance	\$ 4,786.50
Less Unearned Insurance Premium	\$ 365.00
Subtotal Net Outstanding Balance	\$ 4,431.50
Total (Option 4)	\$ 4,431.50
CLAIM SETTLED UNDER OPTION NUMBER: 1 FOR	\$ 2,860.00
THE SETTLEMENT TOTAL	\$ 2,860.00

* Title Requested.

* Claimant may incur storage charges after claim is paid.

Great American CFI

Waiver of ACV Worksheet

Claim Number: 448-779082
Vehicle:
Date of Credit Agreement: 12/10/2004
Amount Financed: \$3,912.60

Black Book Retail Average: \$ 2,910.00

Add:	\$	-
Add:	\$	-
Add:	\$	-
Deduct:	\$	-
Deduct:	\$	-
Deduct:	\$	-

ACV as of Loan Date: \$ 2,910.00

		x120%
Total:	\$	3,492.00

Waiver of Actual Cash Value: If on the date the credit agreement was originated, the amount financed did not exceed by twenty percent (20%), the Average Retail value of the collateral, based upon local retail guide, or if not so listed, the retail market value of the collateral on the origination date of the credit agreement then: Section 1(a) of CONDITION F - COMPANY'S LIABILITY - SETTLEMENT OPTIONS is deleted in its entirety.

CL-0016

OSC CLAIMS

3/24/2004

Great American ACV Worksheet

Claim #: 448-779082
Borrower Name: D. Gibson
Collateral: 04 Suzuki DR-Z11
Date of Loss: 8/9/2005
Date Prepared: 10/18/2005
Black Book Issue: Aug-05

Black Book Retail: \$ 1,425.00
Black Book Wholesale: \$ 620.00

Average of Wholesale and Retail: \$ 1,022.50
Add..... \$0.00
Add..... \$ -
Add..... \$ -
Deduct..... \$ -
Deduct..... \$ -
Deduct..... \$ -
Deduct for Mileage..... \$ -
(not to exceed 50% of avg. value)
Mileage table =
50% of avg value = \$ 511.25
Total Black Book ACV \$ 1,022.50

Used as Retail figure

CL-0055

OSC CLAIMS

03/24/04

Great American ACV Worksheet

Claim #: 448-779082
 Borrower Name: D. Gibson
 Collateral: 04 Yamaha TT-R90E
 Date of Loss: 8/9/2005
 Date Prepared: 10/18/2005
 Black Book Issue: Aug-05

Black Book Retail: \$ 1,435.00
 Black Book Wholesale: \$ 640.00

Average of Wholesale and Retail: \$ 1,037.50
 Add..... \$0.00
 Add..... \$ -
 Add..... \$ -
 Deduct..... \$ -
 Deduct..... \$ -
 Deduct..... \$ -
 Deduct for Mileage..... \$ -
 (not to exceed 50% of avg. value)
 Mileage table =
 50% of avg value = \$ 518.75
 Total Black Book ACV \$ 1,037.50

Used BB retail figure

CL-0055

OSC CLAIMS

03/24/04